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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,402	09/28/2001	Minoru Shibata	P 283723 T36-137931M/AIO	2355

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EXAMINER

SILBERMANN, JOANNE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 05/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

964402

Applicant(s)

Shibata, et al.

Examiner

Silbermann

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 2-13-03.
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above claim(s) 17, 18 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-16, 19, 20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 17 and 18 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: a reflector on a second end face, opposite the first end face describes the embodiment shown in Fig. 9 and is mutually exclusive to the embodiment shown in Figure 3.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17 and 18 stand withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Durbin, US #6,076,294.

Durbin discloses an illumination apparatus including LED 40, light guide plate 20 (Fig. 3) having groove 26 for the LEDs, and character portions 30 on the back surface of plate 20. Base member 60 covers the back of the apparatus and is bonded to the plate around the edge. Grooves 26 are formed in the back of the plate. The base member

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and the light guide plate are both made of LEXAN. Durbin does not describe welding these parts together, however, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. Layer 62 reflects light when the device is illuminated.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durbin.

6. Durbin does not teach a second groove, however, this is considered to be a plurality of known parts. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

7. Durbin does not teach a metal layer on the back of the light guide plate. Durbin teaches an enamel layer, 50, and a fluorescent layer, 62. These layers distinguish the letters from the background. It would have been obvious to one of ordinary skill to utilize a different material (such as metal) to distinguish these separate areas since it has been held to be with the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

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8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Durbin in view of Schindele et al. US #5,641,221.

9. Durbin does not teach using the device on the scuff plate of a car, however, this is well known. Schindele et al. teach a lighted display on a car scuff plate (Figure 1). It would have been obvious to one of ordinary skill in the art to utilize the display in such a manner as described in Schindele et al. so as to provide an aesthetically pleasing display as well as additional illumination in a car.

10. Claims 8-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durbin in view of Cocks et al. US #5,036,243.

11. Durbin, as previously described, does not teach hermetically sealing the light guide plate and the base member, however, this is well known in the art. Cocks et al. teach an illuminated display including front and rear plates that are hermetically sealed (see Summary of the Invention). It would have been obvious to one of ordinary skill in the art to seal the front and rear members of Durbin to provide a display having improved durability and robustness, as described by Cocks et al.

12. The edge portions of the light guide plate of Durbin are considered to be a flange.

13. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Durbin and Cocks et al. as applied to claim 8 above, and further in view of Schindele et al.

14. It would have been obvious to utilize the display in a car for the same reasons as discussed above with respect to claim 7.

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15. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Durbin and Cocks et al. as applied to claim 8 above, and further in view of Hoffman, US #5,339,550.

16. Durbin and Cocks et al. do not teach a light permeable sheet member on the light guide plate, however, this is well known in the art. Hoffman teaches transparent cover plate 74 (Fig. 8) over the illuminated display. It would have been obvious to one of ordinary skill to utilize such a panel over a display to provide protection without affecting the quality of the display.

17. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Durbin in view of Hoffman.

18. It would have been obvious to one of ordinary skill to utilize the transparent plate of Hoffman for the same reasons as discussed with regard to claim 16.

Response to Arguments

19. Applicant's arguments filed February 13, 2003 have been fully considered but they are not persuasive.

20. Applicant argues that the instant invention uses convex or concave surface portions of the characters to transmit the light, however, elements 11-13 (the character portions, as defined on page 9, line 2) appear to have right angles (Figure 3).

Additionally, the character portions of Durbin do include convex and concave portions at the corners of the indicia.

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21. Regarding Cocks et al. the hermetic seal provides protection for the interior of the sign. The motivation is to provide a sign with improved durability, as is specifically taught by Cocks et al.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

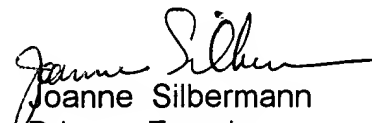
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 703-308-2091. The examiner can normally be reached on Tu-Th 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Joanne Silberman
Primary Examiner
Art Unit 3611

js
May 2, 2003